

**REMARKS**

**I. Status of the Claims**

Claims 157-161 and 168-172 are currently pending. Claims 1-45, 47-67, 69-113, 118-156 and 162-167 have been canceled herein without prejudice or disclaimer. Claims 46, 68, and 114-117 were previously canceled without prejudice or disclaimer. Claims 157 and 161 have been amended herein, and new claims 168-172 have been added. Support for the amendments to claims 157 and 161 and new claims 168 and 171, adding the polymer of formula (I), can be found in the specification as originally filed, for example on page 10, line 13 to page 11, line 20. Claims 157 and 161 have further been amended to limit the process to a lipstick composition, and new claims 168-172 are directed towards a foundation composition. Support for a lipstick composition can be found, for example, on page 1, lines 5-6, and support for a foundation composition can be found, for example, on page 3, lines 6-8.

Despite the amendment to claims 157 and 161 specifying that the composition is a lipstick composition, Applicants' reserve the right to prosecute claims directed towards the broader cosmetic composition in a continuing application.

The Title, Abstract, and specification have been amended to describe the presently claimed invention more accurately. Support for the new Title and Abstract can be found throughout the application as originally filed. The amendments to the specification correct obvious clerical errors that would have been recognized by one of ordinary skill in the art, along with the appropriate correction. M.P.E.P. § 2163.07 II. Accordingly, no new matter has been added.

## II. Interview

Applicants would like to thank the Examiner for the courtesies extended to their representatives, Thalia Warnement and Michelle O'Brien, at the February 10, 2004, personal interview.

During the interview, Applicant's representatives brought to the Examiner's attention: (1) a document disclosing sample formulations from Bush Boake Allen; (2) U.S. Patent No. 6,497,861 to Wang et al., discussed *infra* in Section V; and (3) U.S. Patent No. 5,998,570 to Pavlin et al., all of which are reflected on the Interview Summary, as well as (4) the box, including the ingredient listing, of Origin's Full Story® Lush-lash mascara; (5) Origin's webpage advertisement for the Full Story® Lush-lash mascara product, available at [www.origins.com](http://www.origins.com); (6) the box, including the ingredient listing, of Estée Lauder's MagnaScopic® Mascara Volume Intense mascara; and (7) Estée Lauder's webpage advertisement for the MagnaScopic® Mascara Volume Intense mascara product, available at [www.estelauder.com](http://www.estelauder.com). To the best of Applicant's representatives' knowledge, these two products ((4) and (6)), were launched in 2003 and thus, do not constitute prior art.

Pursuant to the agreement reached with the Examiner at the interview, Applicants have amended claims 157 and 161 to incorporate Formula (I). Thus, as the Examiner agreed at the interview, claims 157 and 161, as amended, are in condition for allowance.<sup>1</sup> In the interest of being fully responsive, however, Applicants address the rejections presented in the November 19, 2003, Office Action below.

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<sup>1</sup> The amendment to claims 157 and 161 specifying that the composition is a lipstick composition does not alter the allowability of these claims, as it only serves to narrow the scope of the claim.

### **III. Information Disclosure Statement**

In the Information Disclosure Statement Applicants filed June 23, 2003, the Examiner has drawn a line through the related co-pending U.S. application and PCT application information, indicating beside the first entry of each that the information has been "considered, not cited." Applicants presume that all of the U.S. application and PCT application information provided on the PTO Form 1449 has been considered by the Examiner, and not just the first entry. If this is not the case, Applicants respectfully request clarification on the record and consideration of the application information.

Furthermore, Applicants note that the Examiner has drawn a line through five cited U.S. Patent Application Publications. Applicants therefore have resubmitted these documents on the Information Disclosure Statement and PTO Form 1449 filed herewith and respectfully request consideration by the Examiner or an explanation on the record for why the Examiner has not considered the U.S. Patent Application Publications.

### **IV. Claim Objections**

Claims 47-61 have been objected to as dependent upon canceled claim 46, and claim 69 has been objected to as dependent upon canceled claim 68. Claims 47-61 have been canceled herein, rendering this objection moot.

### **V. Provisional Obviousness-Type Double Patenting Rejection**

Claims 1-45, 47-67, 69-113, and 118-167 have been provisionally rejected for obviousness-type double patenting over claims 1-188 of copending Application Serial

No. 09/685,577 in view of U.S. Patent No. 4,952,245 to Iwano et al. Claims 1-45, 47-67, 69-113, and 118-156 have been canceled by this amendment. As regards amended claims 157-161, on October 15, 2002, Applicants filed a Terminal Disclaimer over any patent to grant from Application No. 09/685,577, thereby mooting any obviousness-type double patenting rejection. Attached herewith as Exhibit 1 is a copy of the October 15, 2002, Terminal Disclaimer, along with the date-stamped receipt postcard.

#### **VI. Obviousness-Type Double Patenting Rejection**

Claims 1-45, 47-67, 69-113, and 118-167 have been rejected under obviousness-type double patenting over claims 1-75 of U.S. Patent No. 6,402,408 to Ferrari ("Ferrari"). Applicants disagree that claims 157-161 present any issue with respect to obviousness-type double patenting over claims 1-75 of Ferrari '408. However, solely in an effort to expedite prosecution, Applicants file herewith a Terminal Disclaimer over Ferrari '408, thus mooting the rejection.

#### **VII. Rejections Under 35 U.S.C. § 103**

Claims 1-45, 47-67, 69-113, and 118-167 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,998,570 to Pavlin ("Pavlin '570") in view of U.S. Patent No. 4,952,245 to Iwano et al. ("Iwano"). According to the Office, Pavlin '570 teaches "a low molecular weight, resin composition and methods for preparing the resin composition, which comprises ester-terminated polyamides of polymerized fatty acids . . . ." Office Action at 7. The Office admits, however, that "Pavlin does not teach a

dyestuff chosen from pigments and nacles in the resin composition.” Office Action at 8. Thus the Office relies on Iwano, alleging that Iwano teaches “a cosmetic composition comprising a nacreous pigment containing a dye . . . .” *Id.* at 8.

Therefore, the Office concludes that one of ordinary skill in the art would have found it obvious to combine the teachings of Iwano with Pavlin ‘570 because both teach cosmetic compositions and “[t]he expected result would be a cosmetic composition comprising dyestuffs, nacles and pigments that yield excellent color characteristics, such as luster, [and] brightness along with excellent stability.” *Id.* at 9. Applicants respectfully traverse this rejection. Claims 1-45, 47-67, 69-113, and 118-156 have been canceled without prejudice or disclaimer, thus rendering a portion of the present rejection moot.

As regards claims 157-161, Applicants traverse on the grounds that the Office has failed to established a *prima facie* case of obviousness over the amended claims. In order to establish such a *prima facie* case, the Office must demonstrate, among other things, (1) that the cited references teach or suggest every element of the claims; and (2) some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings, with a reasonable expectation of success. M.P.E.P. § 2143.

First, the cited references do not teach or suggest every element of the claims. Neither Pavlin nor Iwano teaches or suggests a process for limiting the migration of a cosmetic composition. Likewise, neither Pavlin nor Iwano teaches or suggests at least one liquid continuous fatty phase being structured with a sufficient amount of an agent

for limiting the migration of said composition, as claimed, for example, in amended claim 157.

Second, the Office has not established any motivation or suggestion to combine the cited references. Pavlin addresses how to gel hydrocarbon liquids, which are preferred because of their transparent nature. Pavlin points out that, in the known prior art, "[w]hen hydrocarbon is present in a personal care formulation alcohol is also typically present. There is a need in the art for materials which can be combined with pure hydrocarbon to afford a transparent material which has gel-like character." Pavlin, col. 2, ll. 24-28. Indeed, Pavlin is primarily directed towards gelling pure liquid hydrocarbons in the absence of alcohols: "It is a surprising advantage of the present invention that the EPTA resin can gel hydrocarbon in the absence of hydroxyl-containing compounds." *Id.* at col. 16, ll. 60-62.

At best, Pavlin only suggests that its hydrocarbon gels may be incorporated into a cosmetic composition, as none of Pavlin's twenty-five Examples teaches a cosmetic composition, as claimed in the instant claims. Rather, the only product composition in Pavlin is a clear candle. See Example 25. Thus, in making the Office's proposed modification, one of ordinary skill in the art would be left referring to Example 11 of Iwano, the only example in either reference that prepares a cosmetic composition that arguably would be gelled, i.e., a lipstick.

Iwano, however, does not suggest a composition containing hydrocarbons absent hydroxyl-containing compounds. Instead, in Example 11, hexadecyl alcohol is added to the formulation. There is no teaching or suggestion in Iwano to remove this

alcohol, nor is there any example or other teaching in Iwano that suggests formulating a cosmetic composition with pure hydrocarbons, as taught by Pavlin.

One of ordinary skill in the art, when considering the disclosures of both Pavlin and Iwano as a whole, would have no motivation to add the gelling agents of Pavlin to the lipstick composition of Iwano, which contains several different types of waxes. The modification that the Office suggests (i.e., adding the pigments of Iwano to the composition of Pavlin) would thus require reformulating one or both of the disclosed compositions entirely, and the Office has not pointed to any suggestion or motivation in the art to so reformulate. Nor has the Office demonstrated that such a reformulation could be done with a reasonable expectation of success, as properly formulating cosmetic compositions is a highly detailed and variable science. Therefore, no *prima facie* case of obviousness has been established, and reconsideration of claims 157-161, as amended, is respectfully requested.

**VIII. U.S. Patent No. 6,497,861 to Wang et al.**

As discussed in the February 10, 2004, personal interview and as referenced in the Information Disclosure Statement filed June 23, 2003, Applicants are aware of U.S. Patent No. 6,497,861 to Wang et al. ("Wang"), filed June 21, 2001. However, Applicants do not believe that this patent is prior art with respect to the present application. In this regard, Applicants point out that the instant application was filed on July 17, 2000. This antedates Wang.

Nor do Applicants believe that the claims presented herein define the same patentable invention as any of those of Wang. Hence, Applicants do not believe that there is any interfering subject matter between the present claims and those of Wang.

#### **IX. Commonly Assigned Applications**

Applicants have identified the related copending applications and patents below in Table 1 and submit that none of the listed application were filed prior to July 17, 2000, and therefore, none of the applications qualify as prior art under § 102(e) and/or § 103. Application Serial No. 09/618,032 was filed on July 17, 2000. However, Applicants do not believe that any of the identified copending U.S. Patent Applications or any relevant publications thereof or relevant PCT publications of a counterpart thereof, describes or suggests the subject matter of claims 157-161 and 168-172 of the present application under 35 U.S.C. § 102(e) and/or § 103.

Also listed in Table 1, below, is the publication information (U.S. Published Applications and/or U.S. Patents), if any, that correspond to these copending applications and their dates of publication. Moreover, Applicants have provided for the Examiner's convenience the available assignment information in Table 1 or confirmed the obligation of assignment with the assignee, demonstrating that none of these applications, patents, or publications is available as § 102(e)/§ 103 prior art against claims 157-161 and 168-172. See 35 U.S.C. § 103(c). Applicants assert that any of the applications listed below that were filed on or before the instant application's priority date were commonly owned by the Assignee at the time the instant invention was made, which instant invention was also subject to assignment to the Assignee.



For the Office's convenience, Applicants identify in Table 1 below 36 related copending applications, including the instant application, as well as those listed on the PTO Forms 1449 filed on April 22, 2002, October 18, 2002, June 23, 2003, or filed herewith, including filing date, assignment, and inventor information. This should assist the Office in assessing any possible issues under statutory double patenting. This information will also allow the Office to address any issues of obviousness-type double patenting not discussed above. Applicants do not believe that any issue with respect to statutory double patenting under 35 U.S.C. § 101 is present with respect to claims 157-161 and 168-172, as amended, of the instant application and the claims of any other copending application or patent listed in Table 1. To be sure, however, Applicants provide Exhibit 2, which contains all of the claims of the 36 pending applications, including the instant claims. As the Office can see, Exhibit 2 contains no claims which are identical to the instant claims.

**Table 1.**

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
05725.0594-00000	09/733,899	December 12, 2000	Mohamed KANJI, Carl ORR, and Carlos O. PINZON	COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE FILM-FORMING SILICONE RESIN AND METHODS OF USING	Reel 011723, Frame 0503, on April 20, 2001	U.S. Published Application No. US 2002/011477 3 A1 Dated: August 22, 2002
05725.0595-	09/733,900	December 12, 2000	Carlos O. PINZON and Paul	COSMETIC COMPOSITIONS CONTAINING	Reel 011639, Frame 0897, on March 23,	U.S. Published Application

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
00000			THAU	HETEROPOLYMERS AND OIL-SOLUBLE CATIONIC SURFACTANTS AND METHODS OF USING SAME	2001	No. US 2002/012278 1 A1 (Republished US 2003/008212 6A9 on May 1, 2003)  Dated: September 5, 2002
05725.0656-00000	09/618,066	July 17, 2000	Véronique FERRARI and Pascal SIMON	COMPOSITIONS IN RIGID FORM STRUCTURED WITH A POLYMER	Reel 011057, Frame 0676, on September 11, 2000	N/A: Will not publish
05725.0656-01000	09/685,577	October 11, 2000	Véronique FERRARI and Pascal SIMON	COMPOSITIONS IN RIGID FORM STRUCTURED WITH A POLYMER	Reel 011455, Frame 0203, on January 22, 2001	N/A: Will not publish
05725.0659-00000	09/618,032, issued on June 11, 2002, as U.S. Patent No. 6,402,408	July 17, 2000	Véronique FERRARI	COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A POLYAMIDE CONTAINING ESTER END GROUPS	Reel 011057, Frame 0007, on September 12, 2000	U.S. Patent No. 6,402,408  Dated: June 11, 2002
05725.0659-01000	09/685,578	October 11, 2000	Véronique FERRARI	COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A POLYAMIDE CONTAINING ESTER END GROUPS	Reel 011549, Frame 0914, on February 20, 2001	N/A: Will not publish
05725.0795-01000	10/182,830	August 2, 2002  371 (c) Date: January	Roberto CAVA-ZZUTI, Véronique FERRARI, Brian MATTOX,	USE OF POLYAMIDE POLYMER IN A MASCARA COMPOSITION COMPRISING AT LEAST ONE	Reel 014040, Frame 0345, on May 7, 2003	U.S. Published Application No. 2003/014783 7 A1

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
		21, 2003	Carlos O. PINZON, and Paul THAU	SOLID SUBSTANCE HAVING A MELTING POINT OF 45°C OR GREATER		Dated: August 7, 2003
05725.0795-02000	10/787,441	February 27, 2004	Roberto CAVA-ZZUTI, Véronique FERRARI, Brian MATTOX, Carlos O. PINZON, and Paul THAU	METHOD OF MAKING A MASCARA COMPOSITION COMPRISING POLYAMIDE POLYMER AND AT LEAST ONE SOLID SUBSTANCE HAVING A MELTING POINT OF 45°C OR GREATER	Reel 014040, Frame 0345, on May 7, 2003	Not yet published
05725.0806-00000	09/733,896	December 12, 2000	Carlos O. PINZON and Paul THAU	COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE POLYMERS AND METHODS OF USING SAME	Reel 011765, Frame 0183, on April 26, 2001	U.S. Published Application No. US 2002/012003 6 A1 (Republished US 2003/012542 7 A9 on July 3, 2003) Dated: August 29, 2002
05725.0808-00000	09/733,898	December 12, 2000	Carlos O. PINZON, Paul THAU, and Isabelle BARA	COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE ESTERS AND METHODS OF USING SAME	Reel 011654, Frame 0869, on April 2, 2001	U.S. Published Application No. US 2002/010731 4 A1 Dated: August 8, 2002
05725.0809-	09/733,897	December 12, 2000	Carlos O. PINZON and Paul	COMPOSITIONS CONTAINING HETEROPOLY-	Reel 011646, Frame 0966, on April 4,	U.S. Published Application

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
00000			THAU	MERS AND METHODS OF USING SAME	2001	No. US 2002/011133 0 A1 Dated: August 15, 2002
05725.0816-01000	10/203,018	August 5, 2002  371 (c) Date: March 24, 2003	Véronique FERRARI, Richard KOLODZIEJ, Carlos O. PINZON, and Paul THAU	USE OF POLYAMIDE POLYMER IN A MASCARA COMPOSITION COMPRISING AT LEAST ONE INERT FILLER	Reel 014055, Frame 0428, on March 24, 2003	U.S. Published Application No. US 2003/016184 8 A1 Dated: August 28, 2003
05725.0816-02000	10/787,440	February 27, 2004	Véronique FERRARI, Richard KOLODZIEJ, Carlos O. PINZON, and Paul THAU	METHOD OF MAKING A MASCARA COMPOSITION COMPRISING A POLYAMIDE POLYMER AND AT LEAST ONE INERT FILLER	Reel 014055, Frame 0428, on March 24, 2003	Not yet published
05725.0817-01000	10/203,254	August 7, 2002  371 (c) Date: December 20, 2002	Véronique FERRARI, Carlos O. PINZON, and Paul THAU	COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE SAME	Reel 013607, Frame 0258, on December 20, 2002	U.S. Published Application No. US 2003/018578 0 A1 Dated: October 2, 2003
05725.0819-01000	10/129,377	May 3, 2002  371 (c) Date: October 16, 2002	Véronique FERRARI	COMPOSITION STRUCTURED WITH A POLYMER CONTAINING A HETEROATOM AND AN ORGANOGELLATOR	Filed October 16, 2002. Not yet recorded.	Not yet published

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
05725.0832-00000	09/749,036	December 28, 2000	Véronique FERRARI and Véronique JACQUES	COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE PASTY FATTY SUBSTANCE AND METHODS FOR USE	Reel 011723, Frame 0518, on April 20, 2001	U.S. Published Application No. US 2001/003128 0 A1 Dated: October 18, 2001
05725.0895-00000	09/971,028	October 5, 2001	Mohamed KANJI	METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE HETEROPOLYMER	Reel 012411, Frame 0820, on December 28, 2001	U.S. Published Application No. US 2003/008688 3 A1 Dated: May 8, 2003
05725.0895-01000	10/413,217	April 15, 2003	Mohamed KANJI	METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE POLYAMIDE POLYMER CHOSEN FROM ETHYLENEDIAMINE/STEARYL DIMER TALLATE COPOLYMER	Reel 012411, Frame 0820, on December 28, 2001	U.S. Published Application No. US 2003/019861 3 A1 Dated: October 23, 2003
05725.0895-02000	10/699,780	November 4, 2003	Sue FENG and Mohamed KANJI	METHODS OF DISPERSING AT LEAST ONE COLORING AGENT USING AT LEAST ONE HETEROPOLYMER	Reel 012411, Frame 0820, on December 28, 2001	Not yet published
05725.0896-	10/198,931	July 22,	Mohamed	COMPOSITIONS COMPRISING	Reel 013410, Frame 0044,	U.S. Published

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
00000		2002	KANJI	AT LEAST ONE HETEROPOLYMER AND FIBERS, AND METHODS OF USING THE SAME	on October 21, 2002	Application No. US 2004/001362 5 A1  Dated: January 22, 2004
05725.0920-00000	09/899,909, issued on August 13, 2002 as U.S. Patent No. 6,432,391	July 9, 2001	Isabelle BARA	TRANSPARENT SCENTED SOLID COSMETIC COMPOSITION	Reel 012278, Frame 0077, on October 23, 2001	U.S. Patent No. 6,432,391  Dated: August 13, 2002
05725.0932-00000	09/937,314	September 24, 2001  371 (c) Date: December 6, 2001	Véronique FERRARI	A TRANSFER-FREE MASCARA COMPOSITION COMPRISING AT LEAST ONE VOLATILE SOLVENT AND AT LEAST ONE POLYMER	Reel 012476, Frame 0507, on January 17, 2002	U.S. Published Application No. US 2004/008647 8 A1  Dated: May 6, 2004
05725.1003-00000	10/012,029	December 11, 2001	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A POLYMER BLEND	Reel 013142, Frame 0645, on August 1, 2002	U.S. Published Application No. US 2003/001276 4 A1  Dated: January 16, 2003
05725.1004-00000	10/012,051	December 11, 2001	Nathalie COLLIN	USE OF AT LEAST ONE POLYAMIDE POLYMER IN A MASCARA FOR RAPIDLY INCREASING THE AMOUNT OF MAKE-UP DEPOSITED ON EYELASHES	Reel 012847, Frame 0285, on April 30, 2002	U.S. Published Application No. US 2002/018903 0 A1  Dated: December 19, 2002

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
05725.1005-00000	10/012,052	December 11, 2001	Nathalie COLLIN	COSMETIC COMPOSITION CONTAINING A WAX AND A POLYMER	Reel 012847, Frame 0264, on April 30, 2002	U.S. Published Application No. US 2002/016833 5 A1 Dated: November 14, 2002
05725.1018-00000	10/046,568	January 16, 2002	Xavier BLIN, Véronique FERRARI, and Frédéric AUGUSTE	NAIL POLISH COMPOSITION COMPRISING A POLYMER	Reel 013109, Frame 0731, on July 18, 2002	U.S. Published Application No. US 2002/019216 8 A1 Dated: December 19, 2002
05725.1020-00000	10/047,987	January 17, 2002	Véronique FERRARI	COSMETIC COMPOSITION COMPRISING A POLYMER AND A FLUORO OIL	Reel 012910, Frame 0028, on May 17, 2002	U.S. Published Application No. US 2002/017269 6 A1 Dated: November 21, 2002
05725.1187-00000	10/312,083	December 23, 2002  371 (c) Date: March 26, 2003	Patricia LEMANN	COSMETIC COMPOSITION COMPRISING AN EMULSION CONTAINING A LIQUID FATTY PHASE STRUCTURED WITH A POLYMER, AND AN ALKYLENE-OXIDE-CONTAINING EMULSION STABILIZER	Reel 014039, Frame 0976, on March 26, 2003	U.S. Published Application No. US 2003/016180 7 A1 Dated: August 28, 2003
05725.1198-00000	10/450,108	June 11, 2003	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A	Not yet filed/recorded	U.S. Published Application

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
		371 (c) Date: June 11, 2003		POLYMER AND FIBERS		No. US 2004/002863 6 A1 Dated: February 12, 2004
05725.1228-00000	10/466,166	July 14, 2003  371 (c) Date: January 20, 2004	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A MIXTURE OF POLYMERS	Filed January 20, 2004. Not yet recorded.	Not yet published
05725.1336-00000	10/459,636	June 12, 2003	Shao Xiang LU and Mohamed KANJI	COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND A SUNSCREEN AND METHODS OF USING SAME	Filed October 3, 2003; not yet recorded	Not yet published
05725.1337-00000	10/618,315	July 11, 2003	Shao Xiang LU, Terry VAN LIEW, and Nathalie GEFFROY-HYLAND	COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT	Filed August 12, 2003 and January 30, 2004; not yet recorded	Not yet published
05725.1338-01000	10/746,612	December 22, 2003	Shao Xiang LU, Terry VAN LIEW, Nathalie GEFFROY-HYLAND, and Mohamed KANJI	COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT	Not yet filed/recorded	Not yet published
05725.1338-02000	10/747,412	December 22, 2003	Shao Xiang LU and Mohamed	COSMETIC EMULSIONS CONTAINING AT LEAST ONE	Not yet filed/recorded	Not yet published



Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
			KANJI	HETERO POLYMER AND AT LEAST ONE SUNSCREEN AND METHODS FOR USING THE SAME		
06028. 0018- 00000	10/203,375	August 9, 2002  371 (c) Date: August 9, 2002	Nathalie JAGER- LEZER and Jean- Christophe SIMON	COLOURED TRANSPARENT OR TRANSLUCENT COSMETIC COMPOSITION	Reel 013318, Frame 0962, on August 9, 2002	U.S. Published Application No. US 2003/002677 2 A1  Dated: February 6, 2003
06028. 0019- 00000	10/203,374	August 9, 2002  371 (c) Date: August 9, 2002	Jean- Christophe SIMON and Nathalie JAGER- LEZER	METHOD FOR MAKING A COLOURED MAKE-UP COSMETIC COMPOSITION WITH CONTROLLED TRANSMITT- ANCE	Reel 013321, Frame 0001, on August 9, 2002	U.S. Published Application No. US 2003/004436 7 A1  Dated: March 6, 2003

## X. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request consideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER, L.L.P.

Thalia V. Wainement, Reg. No. 39,064  
By: for Erin C. DeCarlo  
Erin C. DeCarlo  
Reg. No. 51,688

**Dated: May 18, 2004**

**Attachments:**

**Exhibit 1 -** October 15, 2002, Terminal Disclaimer and Accompanying Receipt Postcard

**Exhibit 2 -** Pending Claims in Copending Applications